

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

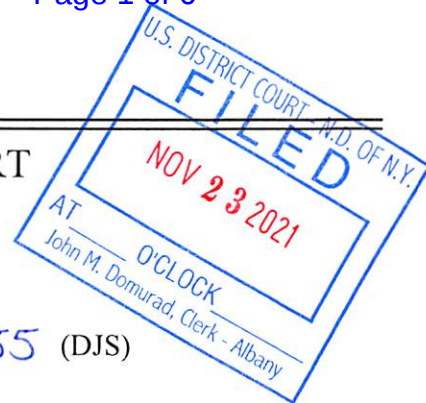
UNITED STATES OF AMERICA

v.

TERENCE J. RATIGAN

Defendant

Case No. 1:21-MJ-555 (DJS)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of June 16, 2021 in the county of Rensselaer in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. § 2252A(a)(2)

Offense Description
Knowing Distribution of Child Pornography

This criminal complaint is based on these facts:
SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

A handwritten signature in black ink, appearing to read "Andrew J. Zubik".

Complainant's signature

FBI TFO Andrew J. Zubik

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: November 23, 2021

A handwritten signature in blue ink, appearing to read "Daniel J. Stewart".

Judge's signature

City and State: Albany, NY

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Andrew J. Zubik, being duly sworn, depose and state:

I. INTRODUCTION

1. I make this affidavit in support of a criminal complaint charging Terence J. Ratigan (“RATIGAN”) with knowingly distributing using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, child pornography.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since February 2016. I have conducted and participated in numerous investigations of criminal activity, including but not limited to criminal violations relating to child exploitation, including the sexual exploitation of minors and the possession, receipt and distribution of child pornography, in violation of 18 U.S.C. §§ 2251 and 2252A. During the investigation of these cases, I have participated in the execution of search warrants and seized evidence of these violations. In addition, I have received formal training in the area of child pornography and child exploitation. During the investigation of these cases, I have executed, or participated in the execution of, numerous search warrants, and seized evidence of these violations, including electronic evidence.

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, and upon my training and experience. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe

are necessary to establish probable cause to believe that RATIGAN has violated Title 18, United States Code, Section 2252A(a)(2) [Distribution of Child Pornography].

II. THE INVESTIGATION OF TERENCE RATIGAN AND THE FACTUAL BASIS FOR THE REQUESTED CRIMINAL COMPLAINT

Snapchat Cybertip

4. On June 16, 2021, a social media messaging application (“App 1”) reported to the National Center for Missing and Exploited Children (“NCMEC”) that RATIGAN – whose App 1 username was “jsmooth2155” – uploaded a child pornography video to its servers, using the Internet. That video depicted a naked 10–12-year-old boy masturbating while facing the camera.

5. On August 19, 2021, an FBI Task Force Officer (“TFO”) acting in an undercover capacity posed as an adult male father of a 9-year-old boy on another social media messaging application (“App 2”). On August 19, 2021, RATIGAN – whose App 2 username was “Joeb8585 – Joe Blow” – sent a direct message to the TFO on this App. RATIGAN told the TFO that he lives in Upstate New York, specifically in the Capital Region, and that he loves incest.

6. On November 2, 2021, the TFO – who was still operating in an undercover capacity on App 2 – observed RATIGAN’s “Joeb8585 – Joe Blow” username in chat on App 2 known by the TFO to be frequented by persons who have a sexual interest in children. RATIGAN messaged the group on this date, and stated that he is a 39 year old father of minor children. The TFO replied to RATIGAN’s message and stated he is a father of a 9-year-old boy. A direct message conversation between RATIGAN and the TFO then began, during which RATIGAN sent the TFO two photographs of V-1, whose identity is known to your affiant. V-1 is naked and appears to be 3-5 years of age in the images. The first image depicts V-1 standing in a river with his back to the

camera, exposing his buttocks. The second image depicted V-1 turned slightly towards the camera, exposing his penis and scotum. Both photographs are zoomed in on the boy's naked body, so that his genitals appear to be the focus of the image. After receiving these images, the TFO asked RATIGAN if he "plays" with V-1, and RATIGAN stated he performs oral sex on him.

7. On November 22, 2021, the Honorable Daniel J. Stewart, United States Magistrate Judge, authorized a location search warrant for RATIGAN's cellular phone, and a search warrant for RATIGAN's residence in Troy, New York, along with RATIGAN's person and any and all electronic devices located in the premises or on RATIGAN's person.

8. On the evening of November 22, 2021, law enforcement officials executed the above search warrants and observed RATIGAN's cellular phone within the vicinity of Halfmoon, NY, where law enforcement officials determined RATIGAN's girlfriend resides at an address known to your affiant. Law enforcement officials went to this residence in Halfmoon, NY and asked to speak with RATIGAN. RATIGAN voluntarily exited the residence and agreed to speak with law enforcement officials. In a recorded interview outside the residence, officials provided RATIGAN with his *Miranda* warnings, which RATIGAN waived. RATIGAN confirmed his App 1 and App 2 usernames and accounts, and admitted that he distributed child pornography to various users over both Apps, and specifically stated that he distributed the child pornography video described in paragraph 1, above. RATIGAN further admitted that he took the two photographs of V-1, described in paragraph 3, above, which he distributed to the TFO through App 2 with the intent to receive child pornography images from the TFO.

9. During RATIGAN's recorded interview, RATIGAN agreed to provide his cellular phone to law enforcement officials. RATIGAN asked his girlfriend to retrieve the cellular phone

from inside the residence, which she did. RATIGAN's girlfriend then handed the phone to RATIGAN, who turned the phone over to law enforcement officials and voluntarily provided them with his passcode to the phone. A digital forensic preview of the phone revealed at least 30 images of child pornography, located in a secured folder of the phone. These images included:

- a. An image of an 8-10 year old female with her legs spread, exposing her vagina. The child's vagina appears to have ejaculate on it, and is the focal point of the image.
- b. An image of a 6-8 year old female with her legs spread, exposing her vagina, which is the focal point of the image.
- c. An image of an 8-10 year old female performing oral sex on an adult male's erect penis.

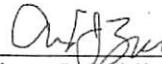
III. CONCLUSION

Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that, on or about June 16, 2021, RATIGAN knowingly distributed using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, child pornography, in violation of Title 18, United States Code, Section 2252A(a)(2).

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Respectfully Submitted,



Andrew J. Zubik
Special Agent
Federal Bureau of Investigation

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on November 23, 2021 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Daniel J. Stewart
United States Magistrate Judge